

October 26, 2009

***Ex Parte***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**RE:** *Application of Verizon Northwest Inc., Verizon Communications Inc. and Frontier Communications Inc. and Frontier Communications Corporation for Consent to Transfer Control of Domestic Section 214 Authority, WC Docket No. 09-95*

Dear Ms. Dortch:

On October 26, 2009, Ken Mason, Vice President – Government & Regulatory Affairs, for Frontier Communications Corp. (“Frontier”), Karen Zacharia and Donna Epps of Verizon, Madeleine Findley of Wiltshire & Grannis LLP and I, on behalf of Frontier, met with Ms. Sharon Gillett, Chief, Wireline Competition Bureau; Donald Stockdale, Deputy Chief, Wireline Competition Bureau; Bill Dever, Acting Division Chief, Wireline Competition Bureau-Competition Policy Division; David Krech, Associate Division Chief, International Bureau-Policy Division; Alex Johns, Wireline Competition Bureau-Competition Policy Division; Jeff Tobias, Wireless Telecommunications Bureau; Dennis Johnson, Wireline Competition Bureau-Competition Policy Division; and Virginia Metallo, Office of the General Counsel-Transaction Teams to discuss the pending applications for consent to the assignment and/or transfer of control of certain licenses and authorizations. The points discussed in these meetings are summarized in the attached written presentation, and have been previously set forth in Frontier’s and Verizon’s applications and Opposition to Petitions to Deny and Reply to Comments filed October 13, 2009.

In addition, Frontier and Verizon provide the following follow-up information regarding access line loss. For the twelve-month period ending December 31, 2008, Frontier reported access line loss in its existing territories of 7.2 percent.<sup>1</sup> Frontier reported access line loss in its existing territories of 6.5 percent for the twelve-month period ending June 30, 2009.<sup>2</sup> The territories that Frontier is seeking to acquire had access line loss of 10.2 percent for the period ending December 31, 2008,<sup>3</sup> and 11.2 percent for the twelve-month period ending June 30, 2009.<sup>4</sup>

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<sup>1</sup> Frontier Communications, Inc., SEC Form S-4, at 128 (filed Sept. 14, 2009) (“Frontier S-4”).

<sup>2</sup> Frontier S-4 at 120.

<sup>3</sup> *Id.* at 148.

<sup>4</sup> *Id.* at 146.

We also noted that, in its reply comments, Sprint Nextel accuses Frontier of failing to comply with industry number porting best practices with respect to removal of ported telephone numbers from its switches. Sprint's claim is wrong. In fact, Frontier more than meets the applicable industry standards. In any event, this is not a transaction-specific public interest harm.

Sprint claims that there is an industry best practice for the "Old Service Provider ('OSP') to leave the telephone number in its switch until the NSP activates the number at NPAC and the OSP receives the message from the NPAC that the NSP had completed its end of the port."<sup>5</sup> There is no such industry best practice that has been adopted by the LNPA Working Group. Sprint cites Best Practice No. 31, but that addresses a wholly different issue – when a New Service Provider will send a "create" message.<sup>6</sup>

In fact, the industry standards, as documented in "Inter-Service Provider LNP Operations Flows v. 3.0 Narratives, state as follows:

After update of its databases the ONSP [Old Network Service Provider] removes translations associated with the ported TN(s). The removal of these translations (1.) will not be done until the old Service Provider has evidence that the port has occurred, or (2.) will not be scheduled earlier than 11:59 PM one day after the due date, or (3.) *will be scheduled for 11:59 PM on the due date, but can be changed by an LSR supplement received no later than 9:00 PM local time on the due date.* This LSR supplement must be submitted in accordance with local practices governing LSR exchange, including such communications by telephone, fax, etc.<sup>7</sup>

Frontier follows option (3), except that instead of scheduling removal for 11:59 pm on the due date, it schedules removal for 6 pm on the day following the due date, and it allows for that time to be changed by an LSR supplement received no later than 11:59 pm on the due date, rather than a 9 pm on the due date. Thus, Frontier's practice more than meets the industry standards. To the extent Sprint is arguing that Frontier is required to follow option (1), Sprint misstates the applicable standards.

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<sup>5</sup> Sprint Nextel Reply Comments at 7.

<sup>6</sup> Best Practice No. 31 reads:

Raise awareness within the industry that a **NSP must receive a positive response** before a "create" is sent to the SOA. Ensure that all personnel are properly trained on the correct, agreed upon industry process. Please refer to the official NANC flows for the exact process to be followed.

NP Best Practices Matrix 2/11/2005, *available at:*

[http://www.npac.com/cmas/LNPA/Documents/LNPA\\_NP\\_Best\\_Practices\\_08-23-07.doc](http://www.npac.com/cmas/LNPA/Documents/LNPA_NP_Best_Practices_08-23-07.doc).

<sup>7</sup> *Available at:* [http://www.npac.com/cmas/co\\_docs/NANC\\_Ops\\_Flow\\_Narratives\\_v3.0.doc](http://www.npac.com/cmas/co_docs/NANC_Ops_Flow_Narratives_v3.0.doc) (Flow Step 9 - ONSP removes appropriate translations)(emphasis added).

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Sprint also claims that Frontier improperly fails to send a concurring SV create record to NPAC.<sup>8</sup> However, the recommendation to send such a concurring SV create record is new, and has not yet been approved by the Commission. It is part of the LNPA Working Group recommendations for implementing the Commission's one-day porting order.<sup>9</sup> Frontier will implement this recommendation as part of its implementation of the one-day porting standards. Accordingly, Sprint's requests for number portability-related conditions lack merit.

A copy of this letter is being filed in the above-referenced docket.

Sincerely,



John T. Nakahata

*Counsel to Frontier Communications Corp.*

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<sup>8</sup> Sprint Nextel Reply Comments at 8.

<sup>9</sup> Local Number Portability Administration Working Group – Recommended Plan for Implementation of FCC Order 09-41, at 20, *available at*: [http://www.nanc-chair.org/docs/mtg\\_docs/Sep09\\_LNPA\\_WG\\_FCC\\_09\\_41\\_Implementation\\_Plan.doc](http://www.nanc-chair.org/docs/mtg_docs/Sep09_LNPA_WG_FCC_09_41_Implementation_Plan.doc); *Local Number Portability Porting Interval and Validation Requirements*, Report and Order and Further Notice of Proposed Rulemaking, FCC 09-41, 24 FCC Rcd. 6084 (rel. May 13, 2009).